IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 4665 of 1995

Between:

B. Krishnavenamma, W/o B. Venkatasubbaiah,
Sree Ramulu Kottala, H/o Settivaripally,
Mydukur (M), Cuddapah Dist.

..... PETITIONER

AND

1 The District Collector, Cuddapah.
2 The Revenue Divisional Officer,
Jammalamadugu, Cuddapah.
3 The Mandal Revenue Officer,
Mydukur, Cuddapah.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction particularly one in the nature of writ of Mandamus, declaring the proceedings of the 3rd respondent passed in his proceedings in Ref.150/95 dated 28.2.1995 in cancelling the caste certificate issued to the petitioner, as illegal and arbitrary and consequently declare that the petitioner belongs to Ediga Balija Community which is recognised as BC(B).

Counsel for the Petitioner: MR. Polisetti Radhakarishna

Counsel for the Respondents : GP FOR SOCIAL WELFARE

The Court made the following :

O R D E R :

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Heard Sri Polisetti Radhakrishna, learned counsel appearing for the petitioner and the learned Government Pleder for Social Welfare appearing on behalf of the respondents.

The petitioner herein filed this Writ Petition, *inter alia*, seeking a Writ of Mandamus challenging the correctness of orders passed by the third respondent on 28.02.1995 cancelling caste certificate issued in his favour. The petitioner, claiming to be belonging to B.C. (B) community, was issued a certificate to that effect, which was sought to be cancelled by the third respondent, who is only a Mandal Revenue Officer.

Having heard the learned counsel on either side and on perusal of the material, it is seen that even under the provisions of the Andhra Pradesh (S.C., S.T. & B.Cs.) Regulation of Issue of Community Certificates Act, 1993, which came into force in the year 1997, Mandal Revenue Officer is not a competent authority to cancel a caste certificate. Even prior to its enforcement, it is only the Collector or the Joint Collector, who has been conferred with such powers of cancellation. In view of the same, either way, the third respondent does not have any power to cancel a caste certificate. Therefore, it is to be held that the impugned order of the third respondent cancelling the caste certificate issued in favour of the petitioner is totally without any jurisdiction.

The Writ Petition is, accordingly, allowed, setting aside the impugned orders dated 28.02.1995. It shall, however, open for the competent authority to hold a fresh enquiry and pass orders in accordance with law. No costs.

(B.Prakash Rao, J.)

10.02.2005

DRK

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice, on

Thursday, the tenth day of February two thousand and five.

Asst. Registrar

Copy to:

1 The District Collector, Cuddapah.
2 The Revenue Divisional Officer,
Jammalamadugu, Cuddapah.
3 The Mandal Revenue Officer,
Mydukur, Cuddapah.

4. Two CCs to the G.P. for Social Welfare, High Court of A.P., High Court buildings, Hyderabad (o.u.t.)

5. Two CD copies.